

RH/M

July 12, 1947

The Honorable Carter Manasco
U. S. House of Representatives
1306 New House Office Building
Washington, 25, D. C.

My dear Congressman Manasco:

I have discussed with Admiral Hillenkoetter the alternative provisions regarding the position of Director of Central Intelligence as contemplated in the unification bill.

It is felt that the first proposal, which provides only for a civilian Director, would be unfortunate, for reasons set forth below.

The second alternative provides that the first Director may be appointed from the armed services, but that subsequent Directors shall be appointed from civilian life. As in the first proposal, this appears to place an unfortunate restriction upon the Presidential powers of appointment. The President should be allowed to exercise his discretion in appointing the best available Director, either from civilian or military life, depending upon the qualifications of personnel available at the time of appointment. The necessity of Senate confirmation of the Director would eliminate the possibility of a poor selection; and the Senate in its discretion would probably reject appointees from the armed services if they were continually rotated for short tours of duty. If at some time in the future, we were plunged into another war, the most qualified appointee might well be a reserve officer who had entered on active duty from civilian life. The proposed restriction would prevent his appointment by the President. Such a limitation would have prevented the appointment of the Director of the Office of Strategic Services during the past war.

The third alternative provides that the first Director may be appointed from civilian or military life, but makes no provision for the appointment of any subsequent Director. If this alternative is adopted, this defect should be corrected.

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The provisions in the second and third alternatives, which concern themselves with the relinquishment by an appointee from the armed services of his status in such service, and provide further for his reinstatement in his branch of service upon his removal from, or relinquishment of, the position of Director, are identical and would serve as an acceptable solution to the problem.

In addition to the above proposals, it might be deemed advisable to include a paragraph containing substantially the same language as that used in Private Law 3 of the 80th Congress, (authorizing the appointment of Major General Laurence S. Kuter to the Interim Council of the Provisional International Civil Aviation Organization), or Private 428 of the 79th Congress, (authorizing the appointment of Lieutenant General Walter B. Smith as Ambassador to the Union of Soviet Socialist Republics), which would read substantially as follows:

"Provided further that, in the performance of his duties as Director of Central Intelligence, such appointee shall be subject to no supervision, control, restriction, or prohibition (armed services or otherwise), other than would be operative with respect to him if he were in no way connected with the national military establishment or any component thereof."

In addition, should the Director die in office, it would appear to be desirable to include a proviso providing the family of the Director, if appointed from the armed services, with the benefits which would normally accrue to such officer, had he remained in the armed services.

For your possible use, there is enclosed herewith a suggested draft incorporating the features outlined above.

Sincerely yours,

WALTER L. PFORZHEIMER
Legislative Liaison Officer

PROPOSED DRAFT

Sec. 104 (a). There is hereby established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence, who shall be the head thereof. The Director may be appointed from the Armed Services or from civilian life by the President, by and with the advice and consent of the Senate.

The Director shall receive compensation at the rate of \$14,000 a year.

Provided, however, that, if the appointment be made from the Armed Services, such appointee shall not, so long as he may serve as such Director, be entitled to any status, office, rank or grade he may occupy or hold in the Armed Service or any emolument, perquisite, right, privilege or benefit incident to or arising out of any such status, office, rank or grade;

Provided, further, that, if a Director be appointed from the Armed Services, he shall, upon either removal from or relinquishment of such office of Director, be restored to any status, office, rank, or grade he may occupy or hold in the armed services, and shall receive any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade which he would otherwise be entitled to or would be entitled to receive had he remained in the Service instead of accepting the office of Director and acting as such;

Provided, further, that, in the event of the death of the Director, so appointed from the Armed Services, while serving in such position, his dependents shall be entitled to such compensation and benefits as they would have been entitled to had such Director maintained his status in the Armed Services; and

Provided, further, that, in the performance of his duties as Director of Central Intelligence, such appointee shall be subject to no supervision, control, restriction, or prohibition, (armed services or otherwise), other than would be operative with respect to him if he were in no way connected with the national military establishment or any component thereof.